

RECEIVED
CENTRAL FAX CENTER

FEB 22 2005



F A X C O V E R

*****OFFICIAL FAX*****

Date: February 22, 2005 **Number of pages (including cover):** Four**To:** Mail Stop Petition, U.S. Patent and Trademark Office**Fax No.:** (703) 872-9306**Serial No.:** 09/862,916**Title:** **A NON-CROSSLINKED, AMORPHOUS, BLOCK COPOLYMER
ELECTROLYTE FOR BATTERIES****From:** Timothy J. Oyer, Ph.D.**Direct dial:** 617.646.8251**Our File #:** M0925.70087US00**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Mail Stop Petition, FAX number (703) 872-9306, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 22nd day of February, 2005.


 Maureen Joyce
ORIGINAL DOCUMENTS WILL NOT BE MAILED.**MESSAGE:** Transmitted herewith is a Petition for Suspension of Rules Under 37 C.F.R. §1.183.

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.646.8000 IMMEDIATELY.

Wolf Greenfield Fax Number: 617.646.8646

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206
 617.646.8000 | fax 617.646.8646 | www.wolfgreenfield.com

PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

DOCKET NO.: M0925.70087US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

Applicant: Anne M. Mayes et al.
Serial No.: 09/862,916
Confirmation No.: 9694
Filed: May 22, 2001
For: A NON-CROSSLINKED, AMORPHOUS, BLOCK COPOLYMER
ELECTROLYTE FOR BATTERIES

Examiner: Mark Ruthkosky
Art Unit: 1745

FEB 22 2005

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Mail Stop Petition, at FAX number (703) 872-9306, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 22nd day of February, 2005.


Signature

MAIL STOP PETITION
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

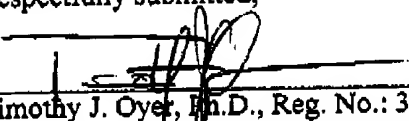
- Petition for Suspension of Rules Under 37 C.F.R. §1.183

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

No check is enclosed. The Commissioner is hereby authorized to charge the amount of \$130.00 to cover the petition filing fee to Deposit Account 23/2825. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:


Timothy J. Oyer, Ph.D., Reg. No.: 36,628
Tani Chen, Sc.D., Reg. No.: 52,728
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: February 22, 2005
xNDDx

864995.1

DOCKET NO.: M0925.70087US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

Applicant: Anne M. Mayes et al.
Serial No.: 09/862,916
Confirmation No. 9694
Filed: May 22, 2001
For: A NON-CROSSLINKED, AMORPHOUS, BLOCK COPOLYMER
ELECTROLYTE FOR BATTERIES

FEB 22 2005

Examiner: Mark Ruthkosky
Art Unit: 1745

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Mail Stop Petition, at FAX number (703) 872-9306, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 22nd day of February, 2005.


Signature

MAIL STOP PETITION
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR SUSPENSION OF RULES UNDER 37 C.F.R. §1.183

Sir:

This is a petition under 37 C.F.R. §1.183 for suspension of rules.

Applicants had submitted an Information Disclosure Statement (IDS) on February 27, 2004, requesting that the Patent Office consider references previously submitted to the Patent Office in a prior application, Serial No. 09/284,447 of which the instant application is a divisional. Under 37 C.F.R. §1.98(d)(1), copies of these references were not submitted to the Patent Office, as the earlier application (09/284,447) was properly identified in the IDS, and was relied on for an earlier effective filing date under 35 U.S.C. §120 in this application.

On June 3, 2004, the Patent Office issued a Notice of Allowability, in which the Patent Office indicated that many of the references cited in the IDS filed February 27, 2004 had been lost by the Patent Office, and were thus not considered.

Although it would seem that the expense of doing so would not necessarily be fairly borne by the Applicants, to ensure that these references were properly considered by the Patent Office, in response to the Notice of Allowability, the Applicants filed a Request for Continued Examination (RCE) on September 3, 2004, along with some of the extensive list of references.

Serial No.: 09/862,916
Confirmation No.: 9694

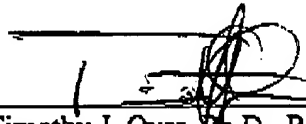
Art Unit: 1745

The remaining references, once re-ordered or otherwise assembled by the Applicants, were filed in a second IDS on November 18, 2004.

Subsequently, on December 13, 2004, the Patent Office issued a second Notice of Allowance in which the first IDS had been considered, but the second IDS had not been considered.

Thus, it is now expected that the Applicants will have to file yet another RCE, so that the Patent Office can finally consider the references that the Patent Office had previously lost, the requirement of submission of which in this case is specifically excluded by Rule 98(d)(1). Applicants believe this expectation to be unfair and contrary to the Rules. Accordingly, Applicants hereby petition the Patent Office under 37 C.F.R. §1.183 to suspend the rules and allow entry of the IDS in this application, to allow the Patent Office to consider those references.

Respectfully submitted,



Timothy J. Oyer, Ph.D., Reg. No. 36,628
Tani Chen, Sc.D., Reg. No. 52,728
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: M0925.70087US00
Date: February 22, 2005
xNDDx